

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/681

- Applicant** : Doran (Hong Kong) Limited represented by AECOM Asia Company Limited
- Site** : Lot 153 (Part) in D.D. 77, Ping Che, New Territories
- Site Area** : About 7,044 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : “Industrial (Group D)” (“I(D)”)
- Subject to a maximum plot ratio of 1.0, a maximum site coverage of 60% and a maximum building height of 13m.
- Application** : Proposed Temporary Concrete Batching Plant for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed temporary concrete batching plant (CBP) for a period of 5 years (**Plan A-1**). The Site falls entirely within an area zoned “I(D)” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘Concrete Batching Plant’ is a Column 2 use within the “I(D)” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently partly used for CBP and partly for open storage purpose.
- 1.2 The Site is accessible via Ping Yuen Road to Ping Che Road where the entrance is at the southwestern part of the Site (**Plan A-1**). According to the applicant, the proposed CBP is to replace the existing CBP operation within the Site with upgraded and environmental-friendly facilities for a more effective, clean and quiet operation. It consists of the main plant, mixing tower, three 100-200 tonnes cementitious material silos, water silos, tube ice maker/storage, conveyer structures, aggregate storage area, aggregate bins and hoppers, vehicle cleaning facilities, repairing shed, equipment storage area and ancillary office (**Drawing A-1**). The total floor area of the proposed CBP is about 2,414m² and the maximum building height (BH) of the proposed development is about 13m (**Drawing A-2**). The maximum design concrete production capacity is about 100m³/hr. A total number of 14 heavy goods vehicle (HGV) waiting spaces, 3 private car parking spaces, 3 loading/unloading (L/UL) bays for HGV, 1 L/UL bay for light goods vehicle (LGV) and

1 L/UL bay for container vehicle will be provided within the Site (**Drawing A-1**). The operation hours are from 7:00 a.m. to 11:00 p.m. daily. The anticipated commencement year of operation of the proposed development is 2023. The proposed layout plan, section plans, land status plan and a plan showing the proposed road improvement works in support of the application are shown on **Drawings A-1 to A-4** respectively.

- 1.3 According to the applicant, the Site forms part of a Short Term Waiver (STW) No. 863 for a factory for manufacturing concrete products (**Plan A-2**). Upon the commencement of the proposed development, the existing CBP operation within the Site will cease to operate and be demolished and replaced by the proposed CBP. Compared with the existing factory, the site coverage of the proposed development will be increased from about 11% to 34% and the maximum silo capacity increased from about 50 tonnes to 450 tonnes.
- 1.4 The development parameters for the proposed CBP are summarised below:

Site Area	About 7,044m ²
GFA	About 2,414m ²
Plot Ratio	About 0.34
Site Coverage	About 34%
Building Height	Not more than 13m
Car Parking and L/UL Provision	
• No. of Private Car Parking Spaces	3
• No. of HGV Waiting Spaces	14
• No. of L/UL Bays for HGV	3
• No. of L/UL Bays for LGV	1
• No. of L/UL Bays for Container Vehicle	1

- 1.5 According to the Traffic Impact Assessment (TIA) submitted by the applicant, it is estimated that the maximum traffic generation of the proposed CBP would be limited to 15 vehicles per hour (29 pcu/hr) for one-way direction. All key junctions in the vicinity of the Site will operate satisfactorily. The TIA concludes that the proposed development would not cause significant adverse impact to the surrounding areas with the implementation of road improvement works including the widening of Ping Yuen Road, provision of a passing bay at the access road between the Site and Ping Yuen Road, and provision of a 2m wide footpath along the southern side of access road to address the vehicular access/ pedestrian safety concerns (**Drawing A-4**). Noting that such improvement works will affect the private lots (i.e. Lot 158 RP and 159 RP) and some government land outside the Site. Lot 158 RP is owned by the Applicant while initial consent from the land owners of Lot 159 RP has been obtained. For the government land portion, the applicant will liaise with relevant government departments to identify the appropriate agent on future maintenance. The applicant is also willing to take up the maintenance responsibility of the road improvement scheme subject to the agreement with relevant government departments. Such improvement works would be completed before the commencement of the operation of the proposed development.
- 1.6 According to the Environmental Assessment (EA) submitted by the applicant, with the implementation of the proposed mitigation measures, no insurmountable environmental impact would be resulted. In terms of air quality, the applicant has proposed relevant measures in the design of the proposed CBP to further minimise potential dust impacts including the paving and adequately wetting of all access roads and haul roads within the

Site, use of dust collectors etc to ensure compliance of the operation with the Air Quality Ordinance. In addition, the proposed CBP is subject to control under a Specified Process licence to be issued by the Environmental Protection Department (EPD). On noise aspect, relevant environmental control measures including acoustic panel, noise enclosures, 4m high barrier at the site boundary etc. are proposed to address possible adverse environmental impacts arising from the construction and operation of the CBP. On land contamination aspect, the applicant is required to prepare a Contamination Assessment Plan (CAP) for EPD's endorsement during the detailed design stage.

1.7 In support of the application, the applicant has submitted the following documents:

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|-----|---|---------------|
| (a) | Application Form with attachments received on 15.7.2021 | (Appendix I) |
| (b) | Supplementary Information received on 21.7.2021 | (Appendix Ia) |
| (c) | Further Information (FI) received on 8.11.2021 | (Appendix Ib) |
| (d) | FI received on 22.2.2022 | (Appendix Ic) |
| (e) | FI received on 11.4.2022 | (Appendix Id) |
| (f) | FI received on 30.5.2022 | (Appendix Ie) |
| (g) | FI received on 1.6.2022 | (Appendix If) |

1.8 On 10.9.2021 and 24.12.2021, the Committee agreed to the applicant's request to defer making a decision on the application for 2 months each to allow more time for the applicant to prepare FI to address departmental comments. The FI submissions were received on the dates shown in paragraph 1.7 above, and the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachments at **Appendices I, Ia to Ie** as summarised below:

In Line with the Planning Intention and Compatible with Surrounding Environment

- (a) the proposed CBP is in line with the planning intention of "I(D)" zone;
- (b) major existing land uses in the vicinity include industrial and open storage uses as well as vacant agriculture land. There was a previously approved planning application for CBP in the Ping Che area;

Meet the Growing Demand for Concrete Production

- (c) there will be an increasing demand for concrete production due to the implementation of large-scale infrastructure projects and the government's target of increasing housing supply in Hong Kong. The proposed development will contribute to maintaining a reliable supply of high-quality ready-mixed concrete to meet the anticipated increase in concrete demand for achieving the land and housing supply targets of Hong Kong;

Strategic Location of the Application Site for the Proposed Development

- (d) the Site is considered logistically suitable for the development of temporary CBP with regards to its close proximity to major development projects located in the northern New Territories. It is accessible with convenient linkage to Ping Che Road, which is a district

distributor road further linking various major truck roads and tunnels connecting to other parts of northeast and northwest New Territories;

Provision of an Upgraded and More Comprehensive Development Plan

- (e) the proposed development aims to provide a more comprehensive development with new and upgraded equipment and with a better spatial configuration to ensure an environmental-friendly operation. A cleaner, quieter, smoother and efficient operation will be ensured;

Reasonable Timeframe for Implementation

- (f) this application seeks permission for a period of 5 years to ensure adequate time for discharge of planning conditions as well as to seek for other required approvals (including General Building Plan approval, environmental licence, certificates for fire services installations etc.) from relevant government departments prior to commencement of operation; and

No Adverse Traffic, Environmental and Infrastructural Impacts

- (g) technical assessments on traffic, environmental, drainage and water supply have been conducted to ascertain the technical feasibility and suitability of the proposed development at the Site. The EA confirms that with proper operation and maintenance practices, the proposed CBP will not generate adverse environmental impacts. The TIA concludes that the proposed CBP would not generate adverse traffic impact on the road network in the vicinity. The other technical assessments on the aspects of water, drainage, water supply etc. also confirm that the impacts due to the proposed CBP would be minimal and negligible.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site forms part of the subject of a factory for manufacturing concrete products with ancillary open storage use in 1990 (before the first statutory plan covering the area gazetted in 1993), which had evolved to the existing CBP since 2018.

5. Previous Application

There is no previous application for the Site after the gazette of the first statutory plan.

6. Similar Application

- 6.1 There is a similar application No. A/NE-TKL/380 located to the further west of the Site for proposed temporary CBP with minor relaxation of building height restriction for a period of 3 years within "I(D)" zone on the OZP. That application was approved with conditions by the Committee on 7.6.2013 mainly on the consideration that the proposed temporary development was not incompatible with the surrounding areas; and the impact induced by the proposed development was tolerable and the concerns of relevant government departments could be addressed through implementation of approval conditions. The application was revoked on 7.3.2014 due to the non-compliance of approval conditions.
- 6.2 Details of the similar application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a to A-4c)

7.1 The Site is:

- (a) fenced off, paved and partly used for the applied use and partly for open storage; and
- (b) accessible via a local track connecting Ping Yuen Road (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and east are warehouses, open storage yards and recycling workshop;
- (b) to the immediate south is a curtain wall workshop and to the further south is the "Village Type Development" zone of Ping Che Kak Tin Village (**Plan A-1**); and
- (c) to the immediate west are warehouses and open storage yards.

8. Planning Intention

The planning intention of the "I(D)" zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

9. Comments from Relevant Government Departments

- 9.1 Apart from the District Officer (North), Home Affairs Department (DO(N), HAD), all other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.

9.2 Comments of the DO(N), HAD are as follows:

- he has consulted the locals regarding the application. The 1st Vice-Chairman of Ta Kwu Ling District Rural Committee, one Indigenous Inhabitant Representative (IIR) of Ping Yeung and the Resident Representative (RR) of Ping Yeung have no comment on the proposal. The incumbent North District Council member of the subject constituency objects to the proposal as the proposed development would cause adverse impact on the local environment. The Chairman of Fung Shui Area Committee, three IIR of Ping Yeung, the IIR of Ping Che and the RR of Ping Che have no comment; and
- the concerned section of road improvement works (**Drawing A-4**) is neither constructed nor maintained by his office.

10. Public Comments Received During Statutory Publication Period (Appendix V)

- 10.1 On 23.7.2021, the application was published for public inspection. The subsequent FI dated 8.11.2021 and 11.4.2022 were published on 16.11.2021 and 26.4.2022 respectively. During the statutory public inspection periods, a total of 321 public comments were received, including 189 objecting (with 134 comments in the form of standard letter in **Appendix V(1)**) and 129 supporting, and 3 submitted by the Chairman of Sheung Shui District Rural Committee expressing no comment on the application. All the public comments received are deposited at the meeting for Members' inspection. A summary of public comments received are as follows:

Objecting Comments

- 10.2 The 189 objecting comments were submitted by individuals. Major grounds are summarised below:

Traffic Impact

- Ping Yuen Road is a two-way single lane local road which is too narrow to accommodate the heavy traffic of heavy goods/container vehicles;
- the frequent traffic of heavy goods vehicles has already damaged Ping Yuen Road;
- insufficient marshalling/ parking spaces for the heavy goods vehicles within the Site and in the vicinity;
- the heavy traffic induced by the proposed development would cause concern on pedestrian safety;
- insufficient information in the TIA to demonstrate that there will be no queuing of goods vehicles along the public road and that the proposed development would not cause adverse traffic impact on the surrounding areas;

Environmental impact

- the proposed CBP would cause adverse environmental impact including odour, waste, air and noise impacts on the surrounding environment;
- the contaminated wastewater discharged from the existing CBP has been treated improperly, therefore affecting the farmland in the vicinity and cause ecological impact on the surrounding areas; and

Other opposing comments are mainly on the grounds that a 'development first, application later' development should not be tolerated; the passing of heavy goods

vehicle would damage the roadside trees; the proposed development would affect the local *feng shui*; and the development would lead to environmental degradation to the area zoned as “Green Belt” (“GB”) to the west of the Site.

Supporting Comments

- 10.3 The 129 supporting comments were submitted by individuals mainly on the grounds that industrial and construction industries in Hong Kong should be supported; the continued operation of the development would facilitate a reliable supply of high-quality concrete for different infrastructural projects in Hong Kong, including the North East New Territories development areas; the proposed CBP which will be equipped with quality facilities and comply with relevant regulations and ordinances should be supported; the proposed CBP is compatible with the surrounding environment; and creating employment opportunities.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary CBP for a period of 5 years at the Site zoned “I(D)” on the OZP. The proposed temporary development is generally in line with the planning intention of the “I(D)” zone, which is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. The proposed temporary development aims to provide a more comprehensive CBP development with new and upgraded equipment and a better spatial configuration to ensure an environmental-friendly operation.
- 11.2 The Site forms part of the subject of a factory for manufacturing concrete products with ancillary open storage use in 1990, which had evolved to the existing CBP since 2018. As compared with the existing CBP at the Site, the proposed CBP involves an increase in site coverage and maximum silo capacity. The plot ratio of 0.4, site coverage of 34% and building height of not more than 13m of the proposed development comply with the development restrictions stipulated under the “I(D)” zone. The proposed temporary development is also not incompatible with the surrounding areas characterised by warehouses, open storage yards, workshops and temporary structures. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective.
- 11.3 In support of the current application, the applicant has submitted a TIA which demonstrates that the proposed development will not generate adverse traffic impact on the surrounding road network and road junctions. In this regard, C for T has no further comments on the application from traffic point of view subject to the implementation of relevant local road improvement works, as proposed by the applicant before the commencement of the proposed development. Regarding the noise and air quality impact during construction and operation period, the applicant indicates that potential impacts would be mitigated by the proposed mitigation measures and good site practices as set out in paragraph 1.6 above. The operation of the CBP and implementation of the necessary mitigation measures will be subject to the control under Specified Process Licence to be issued by the EPD. DEP has no in-principle objection to the application subject to the imposition of relevant approval conditions restricting the operation hours during the planning approval period. Moreover, the applicant is requested to submit a CAP before commencement of construction of the proposed development. Other relevant government departments consulted, including CE/MN of DSD and D of FS, have no objection to or no adverse comment on the application.

- 11.4 The similar application No. A/NE-TKL/380 as mentioned in paragraph 6.1 above was approved by the Committee in June 2013 and the planning circumstances of the current application are similar to the approved application.
- 11.5 Regarding the local objection conveyed by DO(N), HAD and adverse public comments as detailed in paragraphs 9.2 and 10 above respectively, the government departments' comments and the planning assessments above are relevant. As for the public concern regarding *fengshui* issue, it is not a planning consideration of the Board.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local views conveyed by DO(N), HAD in paragraphs 9.2 and the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 5 years up to 10.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.12.2022;
- (c) in relation to (b) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.3.2023;
- (d) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.12.2022;
- (e) in relation to (d) above, the implementation of proposals for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.3.2023;
- (f) the submission of the design of ingress and egress of the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.12.2022;
- (g) in relation to (f) above, the provision of ingress and egress of the site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.3.2023;

- (h) the submission of a Contamination Assessment Plan and if land contamination is confirmed, a Remediation Action Plan and completion of the agreed remedial actions before commencement of construction for the contaminated areas of the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (i) the implementation of traffic management measures, as proposed by the applicant, before commencement of operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (j) if planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning condition (b), (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) if any of the above planning condition (h) or (i) is not complied with before commencement of construction and operation of the proposed development respectively, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the applicant fails to demonstrate that the development would have no adverse traffic and environmental impact on the surrounding areas.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendix I
Appendix Ia

Application Form with Planning Statement received on 15.7.2021
Supplementary Information received on 21.7.2021

Appendix Ib	FI received on 8.11.2021
Appendix Ic	FI received on 22.2.2022
Appendix Id	FI received on 11.4.2022
Appendix Ie	FI received on 30.5.2022
Appendix If	FI received on 1.6.2022
Appendix II	Similar s.16 Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Section Plans
Drawing A-3	Land Status Plan
Drawing A-4	Proposed Road Improvement Works
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**